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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,227	09/09/2003	Glenn Wilde	40786.3	1940

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EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT PAPER NUMBER

3676

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,227

Applicant(s)

WILDE, GLENN

Examiner

Zakiya N. Walker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 37-45 is/are allowed.
- 6) ☒ Claim(s) 19-22, 24-30 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 23, 31 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09092003, 07052004, 08262004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 4/9/03. It is noted, however, that applicant has not filed a certified copy of the CA 2,424,745 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 24-28, and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al.

Brown et al. discloses an apparatus that includes, with respect to claims 19 and 28, an apparatus for use in producing natural gas from a well extending from ground surface into a subsurface production zone within a production formation, wherein:

(a) the wellbore is lined with a casing 116, said casing having perforations 118 in the production zone; (b) a tubing string extends through the casing and terminates adjacent to the production zone above the bottom of the wellbore; (c) said casing defines an annulus between the tubing and the casing, the bottoms of said annulus and casing being in fluid communication with the well bore; and (d) a gas production pipeline 124 is connected in fluid communication with the upper end of a production chamber selected

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from the tubing and the annulus; said apparatus comprising: (e) a gas injection pipeline 119 having a first end in fluid communication with a source of pressurized injection gas, and a second end in fluid communication with an injection chamber selected from the tubing and the annulus, said injection chamber not being the production chamber; (f) gas injection means, for pumping injection gas through the injection pipeline into the injection chamber; and (g) a choke 126 associated with the injection pipeline, for regulating the flow of gas in the injection pipeline. With respect to the depending claims, the reference teaches the limitations as claimed.

4. Claims 19-22, 24-30, and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamp.

Lamp discloses an apparatus that includes, with respect to claims 19 and 28, an apparatus for use in producing natural gas from a well extending from ground surface into a subsurface production zone within a production formation, wherein:

(a) the wellbore is lined with a casing 16, said casing having perforations 20 in the production zone; (b) a tubing string extends through the casing and terminates adjacent to the production zone above the bottom of the wellbore; (c) said casing defines an annulus between the tubing and the casing, the bottoms of said annulus and casing being in fluid communication with the well bore; and (d) a gas production pipeline 18 is connected in fluid communication with the upper end of a production chamber selected from the tubing and the annulus; said apparatus comprising: (e) a gas injection pipeline 62, 70 having a first end in fluid communication with a source of pressurized injection gas, and a second end in fluid communication with an injection chamber selected from

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the tubing and the annulus, said injection chamber not being the production chamber; (f) gas injection means, for pumping injection gas through the injection pipeline into the injection chamber; and (g) a choke 59 associated with the injection pipeline, for regulating the flow of gas in the injection pipeline. With respect to the depending claims, the reference teaches the limitations as claimed, including flow meter (not numbered) and controller 48, 100.

Allowable Subject Matter

5. Claims 1-18 and 37-45 are allowed.
6. Claims 23, 31, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McMurphy and Vinegar et al. teach systems for gas injection and production that uses controllable chokes.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya N. Walker
Primary Examiner
Art Unit 3676

ZW
June 24, 2005